

APPEAL NO. 032101
FILED SEPTEMBER 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 25, 2003, with the record closing on July 7, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) _____, compensable injury does not include a meniscus tear to the right knee; that the claimant did not have disability resulting from the injury sustained on _____; and that the claimant's average weekly wage (AWW) is \$779.24. The claimant appealed the hearing officer's extent-of-injury and disability determinations on sufficiency of the evidence grounds. The respondent (self-insured) responded, urging affirmance. The hearing officer's determination regarding the claimant's AWW has not been appealed and has become final. Section 410.169.

DECISION

Affirmed.

The parties stipulated that on _____, the claimant sustained a compensable injury. At issue was whether the compensable injury includes a meniscus tear to the right knee and whether the claimant had disability resulting from an injury sustained on _____. Extent of injury and disability are factual questions for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer was not persuaded that the claimant sustained her burden of proving the causal connection between her compensable injury and her currently diagnosed right knee meniscus tear, or that her compensable injury has caused disability. The hearing officer was acting within his province as the fact finder in making these determinations. Nothing in our review of the record reveals that the hearing officer's extent-of-injury and disability determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Judge